

17-132

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

Funds Chairman, James J. White; Funds Treasurers, Stephen A. Cardi, Michael A. Gammino, III, and Henry Sherlock; THE IUOE LOCAL 57 HEALTH AND WELFARE FUND, Gregory E. Olson and Michael D'Ambra, Trustees; THE IUOE LOCAL 57 PENSION FUND, Edwin L. Sullivan, Jr. and Antonio B. Cardi, Trustees; THE IUOE LOCAL 57 ANNUITY FUND, Timothy E. Quillen and Antonio B. Cardi, Trustees; THE IUOE LOCAL 57 LEGAL SERVICE FUND, Gregory E. Olson and Stephen P. Lynch, Trustees; THE IUOE LOCAL 57 APPRENTICESHIP FUND, Timothy E. Quillen, and Brad Bilodeau, Trustees; THE IUOE LOCAL 57 UNION ADMINISTRATION FUND, Timothy E. Quillen, Trustee; THE IUOE LOCAL 57 POLITICAL ACTION AND EDUCATION FUND, Timothy E. Quillen, Trustee; THE IUOE LOCAL 57 INDUSTRY ADVANCEMENT FUND, Michael A. Gammino III, Trustee; and THE IUOE LOCAL 57

Plaintiffs,

v.

C.A. No. 1:17-CV-00582

NEW ENGLAND BUILDING & BRIDGE CO.

Defendant.

CONSENT ORDER

The plaintiffs filed the instant action against the defendant for unpaid contributions to employee benefit funds and after reviewing the complaint and conferring about an amicable resolution of this dispute, by agreement of the parties, it is hereby

ORDERED, ADJUDGED & DECREED

1. The parties agree to the following contributions are unpaid and due and owing:

May 2017	\$10,402.80
June 2017	\$8,489.92
July 2017	\$7,359.89
August 2017	\$14,100.52
September 2017	\$4,661.33
October 2017	\$4,578.31
November 2017	\$2,549.51
Interest	\$880.25
Total	\$53,022.53

2. New England Building & Bridge, Inc. made payment in the amount \$8,000.00 on or about February 1, 2018 which was applied to the unpaid contributions set forth in Paragraph 1.
3. New England Building & Bridge, Inc. made payment in the amount \$8,000.00 on or about March 20, 2018 which was applied to the unpaid contributions set forth in Paragraph 1.
4. New England Building & Bridge, Inc. made payment in the amount \$8,000.00 on or about April 9, 2018 which was applied to the unpaid contributions set forth in Paragraph 1.
5. New England Building & Bridge, Inc. shall make the following payments to the Local 57 Benefit Funds:

May 1, 2018	\$8,000.00
June 1, 2018	\$8,000.00
July 1, 2018	\$8,000.00
August 1, 2018	\$5,022.53

6. New England Building & Bridge, Inc. agrees to pay all contributions that become due after November 30, 2017 on time so that the arrearage does not increase.
7. If New England Building & Bridge, Inc. makes the above payments on the arrearage on time and pays all contributions that become due after November 30, 2017 on time, Local 57 Benefit Funds will not notify the bonding company of this arrearage.

8. So long as defendant makes all of the payments pursuant to this consent order on or before the due dates then plaintiffs agree not move for an entry of default or default judgment. If defendant does not make a payment on or before the due date then plaintiffs may, at their discretion, motion for the entry of default or default judgment.
9. If defendant makes all of the payments pursuant to this consent order then plaintiffs will dismiss their complaint with prejudice.
10. Any and all payments made by defendant to plaintiff pursuant to Paragraph 1 and/or Paragraph 5 shall be made by a bank or certified check and shall be hand delivered or mailed to the Local 57 Benefit Funds Office located 857 Central Avenue, Johnston, RI 02919 on or before the due dates.
11. Defendant shall have a 5 day grace period within which to make the payments contemplated herein before Plaintiff can move for entry of default or default judgment as set forth herein.

Plaintiffs,
By their attorney,

/s/ Ryan C. Hurley

Ryan C. Hurley (7539)
Kiernan, Plunkett & Redihan, LLP
146 Westminster St., 5th Floor
Providence, RI 02903
401-831-2900
401-331-7123 Fax
rhurley@kprlaw.com

Defendant,
By its attorney,

/s/ Jackson C. Parmenter

Jackson C. Parmenter (8396)
Kelly, Souza, Rocha & Parmenter, P.C.
128 Dorrance Street, Suite 300
Providence, RI 02903
401-490-7334
401-490-7874 Fax
jparmenter@ksrplaw.com

ENTER:

Barbara Bartlette

ORDER:

John J. M. Connolly

Dated 5/2/18